

REMARKS

Claims 1-19 are all the claims pending in the application. By this Amendment, Applicant editorially amends claims 1-14. The amendments to claims 1-14 were made for reasons of precision of language and consistency, and do not narrow the literal scope of the claims and thus do not implicate an estoppel in the application of the doctrine of equivalents. In addition, by this Amendment, Applicant adds claims 15-19, which are supported throughout the specification.

I. Preliminary Matters

As preliminary matters, Applicant thanks the Examiner for acknowledging Applicant's claim to foreign priority and for indicating receipt of the certified copy of the priority document. Applicant also thanks the Examiner for returning the initialed form PTO/SB/08 submitted with the Information Disclosure Statement filed on June 30, 2003. Applicant thanks the Examiner for indicating acceptance of the drawing figures filed on June 30, 2003.

II. Summary of the Office Action

Claims 1-4, 7-9, and 12-14 presently stand rejected under 35 U.S.C. § 102 and claims 5, 6, 10, and 11 contain allowable subject matter.

III. Prior Art Rejections

Claims 1-4, 7-9 and 12-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over "A Method for MPLS LSP Fast-Reroute Using RSVP Detours" by Gan et al., IETF, Internet Draft, draft-gan-fast-reroute-00.txt, April 10, 2001 (hereinafter "Gan"). Applicant respectfully traverses these grounds of rejection in view of the following comments.

Independent claim 1 *inter alia* recites: “releasing at least some of the linked routers via said Path_Tear Message, wherein said Path_Tear Message comprises information and a tag indicating, to the router receiving said Path_Tear Message, whether said Path_Tear Message should be forwarded towards a downstream-located router without a predetermined timeout period.”

In conventional techniques, for the merging routers (routers in which main and detour LSPs merge), it is hard to determined which path to release. Accordingly, the merging router needs to receive Path_Tear Messages via both paths to know that these paths are to be disconnected. On the other hand, when the merging router receives a Path_Tear message via a detour path only (as opposed to both paths), the merging router will not know whether both paths or only the detour path is to be torn down. Accordingly, the merging router waits for a predetermined timeout period before forwarding the Path_Tear Message downstream. In an exemplary, non-limiting embodiment of the present invention, however, a tag is provided in the Path_Tear Message that indicates which path(s) to tear down and as such no timeout period is necessary. It will be appreciated that the foregoing remarks relate to the invention in a general sense, the remarks are not necessarily limitative of any claims and are intended only to help the Examiner better understand the distinguishing aspects of the claim mentioned above.

The Examiner contends that claim 1 is directed to a release method and is anticipated by Gan. Specifically, the Examiner contends that Gan’s disclosure of a Path_Tear Message itself anticipates the tag as set forth in claim 1 and that Gan’s disclosure of RSVP-TE operation discloses the forwarding as set forth in claim 1 (*see* pages 2 and 3 of the Office Action). Applicant respectfully disagrees. Applicant has carefully studied Gan’s disclosure of the Path_Tear message and Applicant respectfully submits that Gan fails to disclose or suggest a

Path_Tear message that comprises information and a tag and forwarding the message to downstream-located router without a predetermined timeout period.

Gan discloses the RSVP-TE operation where the session tear-down request is normally originated by the sender via PathTear messages. During error conditions, the network routers can send ResvTear messages to fix problems on the failing path. Thus, when the branching node receives a PathTear message from upstream, it MUST tear-down both the main and detour LSP's. The PathTear messages must propagate in both the main and detour LSP's (page 10 § 4.2). In other words, Gan is no different from the conventional techniques, which disclose that if a merging router receives a PathTear message via only one path, it must wait for a predetermined period of time before forwarding the message downward. Gan only discloses forwarding the message via both paths. In Gan, there is no disclosure or suggestion of forwarding the message without the predetermined timeout period.

In addition, PathTear message is a message and is not itself a tag contained in the message. In other words, Gan does not disclose or suggest a PathTear message including information and a tag, as set forth in claim 1. Furthermore, there is no suggestion in Gan that the PathTear message contains an indication to forward the message without waiting a predetermined timeout period. It is respectfully noted that the position set forth on page 3 of the Office Action amounts to a mere speculation not substantiated by any evidence of record. The Examiner is respectfully requested to provide objective evidence (references, etc.) that would show that the PathTear message of Gan is an indicator to forward the message without waiting for a timeout period. It is Applicant's position that PathTear message of Gan does not include a tag, as set forth in claim 1.

Therefore, “wherein said Path_Tear Message comprises information and a tag indicating, to the router receiving said Path_Tear Message, whether said Path_Tear Message should be forwarded towards a downstream-located router without a predetermined timeout period,” as set forth in claim 1 is not disclosed or suggested by Gan, which lacks forwarding the Path_Tear Message without a predetermined timeout period and the Path_Tear Message including information and a tag indicating whether the message should be forwarded. For at least these exemplary reasons, claim 1 is patentable over Gan. Accordingly, Applicant respectfully requests the Examiner to withdraw this rejection of claim 1 and its dependent claims 2-4 and 14.

Next, independent claim 7 recites features similar to, although not necessarily coextensive with, the features argued above with respect to claim 1. Therefore, arguments presented with respect to claim 1 are respectfully submitted to apply with equal force here. For at least substantially analogous exemplary reasons, therefore, independent claim 7 is patentable over Gan. Claims 8, 9, 12, and 13 are patentable at least by virtue of their dependency on claim 7.

IV. Allowable Subject Matter

Claims 5, 6, 10, and 11 contain allowable subject matter. By this Amendment, Applicant rewrites claim 5 into its independent form. Accordingly, Applicant respectfully requests the Examiner to now allow claims 5 and 6. Applicant respectfully holds the rewriting of claims 10 and 11 in abeyance until arguments presented with respect to claim 7 have been reconsidered.

V. New Claims

In order to provide more varied protection, Applicant adds claims 15-19, which are patentable by virtue of their dependency and for additional features set forth therein.

VI. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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